IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4416 of 2005

Between:

T.V. Ravindranath, S/o Late T.D. Prasada Rao,
R/o Flat No. 304, Sai Nivas, Madhav Nagar, Saidabad,
Hyderabad - 500 059.

..... PETITIONER

AND

1 The State of A.P. rep. by the Special Chief Secretary to the Revenue Department, Secretariat. Hyderabad.
2 The District Collector, Ranga Reddy District, Khairatabad, Hyderabad.
3 The District Registrar of Stamps & Registration, Ranga Reddy District.
4 The Sub Registrar, Champapet, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Mandamus, and call for the records pertaining to the order of Refusal of Registration No. 38/2001 dated 20-8-2001 issued by the 4th Respondent herein, and quash the impugned Order No. 38/2001 dated 20-8-2001, declaring the same as unjust, illegal, arbitrary, discriminatory and violative of Articles 14 and the provisions of the Registration Act and the rules made there under, and consequently direct the 4th Respondent herein to effect registration, in favour of the petitioner, the house constructed on Plot No. 65, Western Part, in Survey No. 59/1 (Old Sy.No. 59) , admeasuring 125 sq yards with plinth area of 515 sft. of RCC in Ward No.8, Block No.6, Chaitanya Nagar of Karmanghat Village, Saroornagar Mandal, Ranga Reddy District, under the L.B. Nagar Municipality, within the jurisdiction of the 4th Respondent herein purchased from his vendor Smt. Byrapuneni Yashoda W/o Sudhakar R/o Green Park Colony,

Karmanghat, on the 30th July, 2001.

Counsel for the Petitioner:MR.S.A.CHARI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

The petitioner states that he purchased a house constructed on plot bearing No.65 western part, admeasuring 127 square yards, in S.No.59/1 (old S.No.59) Ward No.8, Block No.6, situated at Chaitanya Nagar, Karmanghat village, Saroornagar, Ranga Reddy District, and the sale deed dated 30.07.2001 executed by his vendor, Smt Byrapuneni Yashoda, was presented before the fourth respondent for registration. However, under the impugned order, dated 20-08-2001, the registration was refused on the ground that the Joint Collector, Ranga Reddy District instructed not to entertain any registration in respect of the lands in Sy.Nos.57 to 60 of Karmanghat village, Saroornagar Mandal, Ranga Reddy District, stating that the said lands were declared as surplus lands. Subsequently, as per G.O.Ms.No.751 Revenue (Regn.I) Department, dated 12.12.2001, which was issued in exercise of powers conferred under Section 22-A of the Indian Registration Act, 1908 (for short "the Act"), as amended by the Registration (A.P. Amendment) Act, 1999, the registration of documents of immovable properties in the said Survey Numbers 57 to 60 was declared as opposed to public policy. However, fresh orders have been passed vide G.O.Ms.No.807, Revenue, (Registration 1) Department, dated 13.10.2004, in exercise of powers conferred under Section 22-A denotifying the notification issued under G.O.Ms.No.751 dated 12.12.2001 in respect of the

lands in Sy.Nos.57 to 60 of Karmanghat village.

In the light of the said G.O.Ms.No.807 dated 13.10.2004, learned counsel for the petitioner submits that there cannot be any further objection for registering the document presented by the petitioner for registration.

It is also brought to my notice that an identical issue has been considered by this Court in W.P.No.3430 of 2005 dated 25.02.2005 and on the basis of G.O.Ms.No.807,
dated 13-10-2004, this Court disposed of the writ petition with a direction to the respondents to release the document presented by the petitioner therein after due registration.

Learned Government Pleader for Revenue does not dispute the fact that under G.O.Ms.No.807 dated 13.10.2004, the earlier notification issued in G.O.Ms.No.751 dated 12.12.2001 was denotified.

In the circumstances, the impugned order dated 20.08.2001 is set aside and the writ petition is disposed of with a direction to the respondents to release the document presented by the petitioner after due registration without reference to G.O.Ms.No.751, dated 12-12-2001. It is made clear that in case the registering authority finds any other objection, it is open to raise such objection, however the same shall be communicated to the petitioner within a period of four weeks from the date of receipt of this order. No costs.

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07.03.2005

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To

1 The Special Chief Secretary to the Revenue Department, State of A.P., Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District, Khairatabad, Hyderabad.
3 The District Registrar of Stamps & Registration, Ranga Reddy District.
4 The Sub Registrar, Champapet, Ranga Reddy District.

5 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6 2 CD copies